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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/717,631	11/21/2003	Satoshi Ueda	SON-2850	9147
23353	7590	03/18/2008		
RADER FISHMAN & GRAUER PLLC			EXAMINER	
LION BUILDING			SINKANTARAKORN, PAWARIS	
1233 20TH STREET N.W., SUITE 501				
WASHINGTON, DC 20036			ART UNIT	PAPER NUMBER
			2616	
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			03/18/2008	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/717,631

**Applicant(s)**

UEDA ET AL.

**Examiner**

PAO SINKANTARAKORN

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**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 January 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9 and 11-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 7-9, 11, and 13-16 is/are allowed.
- 6) ☒ Claim(s) 1-3, 6 and 12 is/are rejected.
- 7) ☒ Claim(s) 4 and 5 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/808)
- Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 1/9/2008 has been entered.
2. Claims 1-9 and 11-16 are currently pending in this application.

### ***Claim Rejections - 35 USC § 103***

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).
4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

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1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 3, and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hurvig et al. (US 6,507,592) in view of Hata et al. (newly cited US 2002/0064224).

**Regarding claims 1 and 6,** Hurvig et al. disclose a communication apparatus (see column 3 lines 65-67) having a network device connected to a network to be used for outputting and receiving packets to and from the network (see column 3 lines 65-67, two-way communication), the communication apparatus comprising:

time measurement means for measuring a time on the basis of a clock signal (see column 6 lines 60-67, the clock generator means measures and generates a clock signal) having a predetermined frequency (see column 7 lines 19-26, the clock generator means generates a clock frequency of 10, 66, or 100 MHz) ;

transmission process means for receiving information data from an application at a higher level, packetizing the information data (see column 5 lines 60-67, the processor generates at the processor level and insert the output time stamp value into each outgoing data packet and subsequently transfer the time-stamped outgoing data packet to the interface unit memory area), outputting the packet to the network by way of the

network device and saving sender information including a transmission time of the packet showing conditions at the transmission time of the packet (see column 5 lines 63-64, the time-stamped outgoing packet is transferred to the interface unit memory area waiting to be output based on the time stamp value);

reception process means for receiving a predetermined packet from the network by way of the network device (see column 6 lines 31-33, an MPEG stream is received via the input buffer means), generating receiver information including an arrival time of the packet by using the time measurement means (see column 6 lines 44-47 and column 12 lines 26-30, the incoming packets are provided with respective time stamp values by the sampling circuit), saving the receiver information (see column 5 lines 28-30, the input buffer means may store time-stamped incoming data packets before they are transferred to the interface unit memory), depacketizing the packet to obtain predetermined information data (see column 12 lines 47-56) and outputting the predetermined information data to an application at a higher level (see column 12 lines 37-40, program running on the CPU fetches the stored frames in the frame memory area); and

data control means for controlling flows of the information data (see column 12 lines 37-46, the data frame management fetches the incoming packets stored in the frame memory area and also handles the generation of outgoing data packets).

Hurvig et al. do not disclose an apparatus, wherein the saved sender information remains saved after the packet is output to the network. Hata et al. from the same or similar fields of endeavor disclose an apparatus, wherein the saved sender information

remains saved after the packet is output to the network (see paragraph 126, the timestamp storage part 12 stores the history record which covers the timestamp information).

Thus, it would have been obvious to the person of ordinary skill in the art at the time of the invention to implement an apparatus, wherein the saved sender information remains saved after the packet is output to the network as taught by Hata et al. into the apparatus of Hurvig et al.

The motivation for implementing an apparatus, wherein the saved sender information remains saved after the packet is output to the network is that it increases the efficiency and reliability of the system.

**Regarding claim 3**, Hurvig et al. disclose a communication apparatus, wherein the reception process means includes:

storage means for storing time information showing a point of time measured by the time measurement means as a packet arrival time for each reception of a packet (see column 12 lines 26-28); and

reception-state examination means for examining a state at a reception time by the time information, which is generated continuously (see column 12 lines 47-56, the data packet management detects a MAC frame which contain a specific time indicator for upstream synchronization of slots).

7. Claims 2 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hurvig et al. in view of Hata et al. as applied to claim 1 above, and further in view of Ngo (US 6,510,150).

**Regarding claim 2**, Hurvig et al. in view of Hata et al. disclose all the subject matter of the claimed invention except a communication apparatus, wherein the communication apparatus further comprising a management-packet process means for: transmitting the management-information packet to the network by way of the network device; and acquiring the management-information packet generated by another communication apparatus.

The invention of Ngo from the same or similar fields of endeavor discloses a means for generating and distributing timestamp values among all transceivers in the network (see column 4 lines 50-55).

Thus, it would have been obvious to the person of ordinary skill in the art to implement a means for generating and distributing timestamp values among all transceivers in the network as taught by Ngo into the communication apparatus of Hurvig et al. in view of Hata et al.

The motivation for implementing a means for generating and distributing timestamp values among all transceivers in the network is that it increases efficiency of all the devices in the network.

**Regarding claim 12**, Hurvig et al. in view of Hata et al. and Ngo disclose all the subject matter of the claimed invention except a communication apparatus, wherein the

management-information packet is a Real-time Transport Control Protocol packet.

However, the RTCP packet is well known in the art.

Thus, it would have been obvious to the person of ordinary skill in the art to implement a communication apparatus, wherein the management-information packet is a Real-time Transport Control Protocol packet into the communication apparatus of Hurvig et al. in view of Hata et al. and further in view of Ngo.

The motivation for implementing a communication apparatus, wherein the management-information packet is a Real-time Transport Control Protocol packet is that it increases efficiency of all the devices in the network.

#### ***Allowable Subject Matter***

8. Claims 4 and 5 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
9. Claims 7-9, 11, and 13-16 are allowed.

#### ***Conclusion***

10. **Examiner's Note:** Examiner has cited particular columns and line numbers in the references applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully



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consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

In the case of amending the claimed invention, Applicant is respectfully requested to indicate the portion(s) of the specification which dictate(s) the structure relied on for proper interpretation and also to verify and ascertain the metes and bounds of the claimed invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PAO SINKANTARAKORN whose telephone number is (571)270-1424. The examiner can normally be reached on Monday-Thursday 9:00am-3:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Ngo can be reached on 571-272-3139. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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